IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CRIMINAL DOCKET NO.: 3:05CR363-MU CRIMINAL DOCKET NO.: 3:98CR328-V

UNITED STATES OF AMERICA)	
)	
vs.)	
)	ORDER
ALEJANDRO SILVA,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on Defendant's "Motion to Consolidate Cases for Sentencing," filed December 7, 2005.

On June 29, 1999, after entering a plea of guilty to the charge of conspiracy to possess with intent to distribute and distribution of cocaine, Defendant was sentenced in case 3:98cr328. After serving his sentence in that case, Defendant was deported. On April 22, 2005, Defendant was arrested for returning to the United States without authorization, which was in violation of the terms of his supervised release. Defendant is scheduled to be sentenced on his supervised release violation on January 23, 2005, before the Honorable Richard Voorhees.

Defendant was also indicted in case 3:05cr363 for illegally re-entering the United States after being deported for an aggravated felony. That case was assigned to the Honorable Graham Mullen. On December 1, 2005, Defendant pled guilty to the charge, but has not yet been sentenced in that case.

Defendant now asks the Court to consolidate the above-referenced cases for purposes of sentencing. Defendant advises the Court he has reached an agreement with the Government

whereby the Government will recommend to the Court that the sentences imposed for both matters run concurrently. Defendant further states that in light of this agreement and in the interest of judicial economy, the two cases should be consolidated and adjudicated in one hearing. The Government does not oppose this Motion.

For the reasons stated in Defendant's Motion, with the consent of the Government, and for good cause shown, the Court finds that consolidation of the above-referenced cases is appropriate. As a general rule, when two cases are consolidated, the newly-filed case is assigned to the Judge that received the first case filed against the defendant. In this case, Defendant was first indicted in case 3:98cr328, which is pending before Judge Richard Voorhees.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion to Consolidate Cases for Sentencing" is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall transfer case number 3:05cr363-MU in its entirety to be consolidated with case number 3:98cr328-V, and all pending and future matters regarding these cases will hereafter be conducted by the Honorable Chief Judge Richard Voorhees.

IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Order on the United States Attorney's Office, Defense Counsel, the United States Probation Office, and the United States Marshall Service.

Signed: January 4, 2006

Richard L. Voorhees United States District Judge